

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: ILENE RAE BLACKSBERG, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Ilene Rae Blacksberg, M.D. ("Dr. Blacksberg") freely and voluntarily enter into the following Order pursuant to West Virginia Code § 30-3-14, *et seq.*

FINDINGS OF FACT

1. Dr. Blacksberg currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 16236, issued originally in 1990.
2. In May, 2009, the Board initiated a complaint against Dr. Blacksberg, which complaint alleged an inability to practice medicine with reasonable skill and safety due to mental impairment or abnormality, and unprofessional, unethical conduct (complaint number 09-79-W).
3. Dr. Blacksberg filed a response with the Board and appeared for a full discussion of the matter before the Complaint Committee of the Board in September, 2009.
4. Dr. Blacksberg has expressed the desire to enter into this Consent Order with the Board in lieu of proceeding to hearing on charges the Board may file against her in relation to complaint number 09-79-W, described in paragraph two (2), above.
5. To ensure that Dr. Blacksberg practices medicine in the State of West Virginia with a reasonable degree of skill and safety to her patients it is necessary to impose certain

appropriate conditions, limitations and/or restrictions upon the license of Dr. Blacksberg to practice medicine in the State of West Virginia.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W.Va. Code § 30-3-1.
2. Probable cause exists to substantiate charges of disqualification of Dr. Blacksberg from the practice of medicine due to violations of the provisions of West Virginia Code § 30-3-14(c)(17) and (21) and 11 CSR 1A 12.1(e), (h) and (j), relating to the inability to practice medicine with reasonable skill and safety due to mental impairment or abnormality and relating to unprofessional, unethical conduct.
3. The Board has determined that it is appropriate and in the public interest to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Blacksberg enters into this Consent Order.

CONSENT

Ilene Rae Blacksberg, M.D., by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement, the entry of the Consent Order provided for and stated herein, and proceedings conducted in accordance with this Consent Order to the following:

1. Dr. Blacksberg acknowledges that she is fully aware that, without her consent, here given, no permanent legal action may be taken against her except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and § 29A-5-1, *et seq.*;

2. Dr. Blacksberg acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, and the right to cross-examine witnesses against her;

3. Dr. Blacksberg waives all rights to such a hearing;

4. Dr. Blacksberg consents to the entry of this Consent Order relative to her practice of medicine in the State of West Virginia; and,

5. Dr. Blacksberg understands that this Consent Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Blacksberg, the Board hereby **ORDERS** as follows:

1. The license to practice medicine and surgery of Dr. Blacksberg is hereby placed in a **PROBATIONARY** status for five (5) years beginning from the date of entry of this Consent Order, subject to compliance by Dr. Blacksberg with all of the terms and conditions of this Order.

2. Dr. Blacksberg shall not engage in solo practice during the period of probation and shall not practice medicine more than thirty (30) hours per week.

3. Dr. Blacksberg shall be under the care of a licensed psychiatrist and shall have the psychiatrist provide regular reports to the Board regarding Dr. Blacksberg's treatment, condition, and medication compliance at least every ninety (90) days for the duration of the probation.

4. Dr. Blacksberg shall report where she is practicing and the volume of her practice to the Complaint Committee of the Board and shall be responsible for timely notifying the Complaint Committee of the Board upon a change in her employment, and/or employment status.

5. Dr. Blacksberg shall appear in person annually at the request of the Complaint Committee for continued discussion of her on-going status.

6. Dr. Blacksberg shall attend Narcotics Anonymous ("NA") meetings two times per week for the duration of the probationary period and shall keep a written log of her meeting attendance. The log of meeting attendance shall be produced upon request to the Complaint Committee, Counsel and/or Investigator of the Board.

7. Dr. Blacksberg shall notify the Board should she be hospitalized during the period of the Consent Order. Should Dr. Blacksberg be hospitalized during the period of the Consent Order, Dr. Blacksberg's license shall immediately be placed on **INACTIVE** status.


8. Dr. Blacksberg shall provide a copy of this Consent Order to her employer upon starting any position in which she will be practicing medicine.

9. The failure of Dr. Blacksberg to comply with the terms of this Consent Order, as determined by the Board, shall constitute grounds for the dissolution of the probationary period


and the license of Dr. Blacksberg to practice medicine and surgery in the State of West Virginia shall be **AUTOMATICALLY REVOKED**, as of the date of violation, which the Board may effectuate without further hearing or administrative and/or legal process.

The foregoing Consent Order was entered this 9th day of October, 2009.

WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slomp, M.D., M.P.H.
Secretary



Ilene Rae Blacksberg, M.D.

Date: Sept 28 09

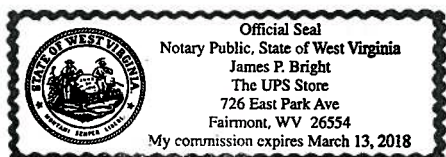
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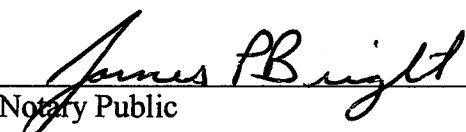
COUNTY OF Marion

I, James P Bright, a Notary Public in and for said county and state, do hereby certify that Ilene Rae Blacksberg, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 28 day of September, 2009.

My commission expires MARCH 13 2018.





Notary Public